

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

DARREAL KIRBY,

Plaintiff,

v.

AMERICAN SUGAR REFINING, INC.,

Defendant.

Civil Action No. 1:22-cv-01402-JPC

**CONSENT ORDER  
TO REMAND TO STATE COURT**

**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned attorneys of record that, this action shall be remanded, without fees and/or costs awarded to either party, to the Court of Common Pleas, Civil Division, in Cuyahoga County, Ohio, under caption *Darreal Kirby v. American Sugar Refining, Inc.*, Case No.: CV22965650 (the “State Action”); and it is further

**STIPULATED THAT**, Defendant American Sugar Refining, Inc.’s (“ASR’s”) Motion to Dismiss currently pending in this Court is moot in light of the pending remand. However, this Consent Order is entered without waiver of the arguments raised in ASR’s motion to dismiss currently pending before this Court as ASR expressly reserves all defenses, and ASR reserves the right to move for dismissal in the State Action; and it is further

**STIPULATED THAT**, this Consent Order shall be filed with the Court without further notice and that electronic and/or facsimile transmissions and/or signatures shall be considered and have the same force and effect as an original; and it is further

**STIPULATED THAT**, Defendant American Sugar Refining, Inc. shall have fourteen (14) days from the date this action is remanded to file its response to the State Action; and it is further

**STIPULATED THAT**, all parties that have appeared through counsel in this matter have consented to this Consent Order; and it is further

**STIPULATED THAT**, the parties herein shall be bound by this Consent Order and the Stipulations contained therein.

**NILGES DRAHER, LLC**

By: /s/ Shannon M. Draher  
Shannon M. Draher, Esq.  
7034 Braucher St., N.W., Suite B  
North Canton, OH 44720  
[sdraher@ohlaborlaw.com](mailto:sdraher@ohlaborlaw.com)

--and--

/s/ Christopher J. Lalak  
Christopher J. Lalak, Esq.  
1360 East 9th Street  
Suite 808  
Cleveland, OH 44114  
[clalak@ohlaborlaw.com](mailto:clalak@ohlaborlaw.com)

*Counsel for Plaintiff,  
Darreal Kirby*

**BRESSLER, AMERY & ROSS, P.C.**

By: /s/ Lauren Fenton-Valdivia  
Lauren Fenton-Valdivia, Esq.  
325 Columbia Turnpike  
Florham Park, New Jersey 07932  
(973) 514-1200  
*Counsel for Defendant,  
American Sugar Refining, Inc.*

**SO ORDERED:**

---

Hon. J. Philip Calabrese, U.S.D.J.

Dated: